

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

JIMMIE E. PARKER, #199999,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO.2:07-CV-624-WKW
	)	[WO]
	)	
TROY KING, et al.,	)	
	)	
Defendants.	)	

**RECOMMENDATION OF THE MAGISTRATE JUDGE**

On April 22, 2010, the court entered an order requiring the plaintiff, Jimmie E. Parker, to advise the court of whether he sought to proceed in this cause of action. *Court Doc. No. 44*. The court further specifically cautioned Parker that his "fail[ure] to file a response in compliance with this order will result in a Recommendation that this case be dismissed." *Id.* The time for Parker to file a response expired on May 3, 2010. As of the present date, Parker has filed nothing in response to the order of April 22, 2010.

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that this case be dismissed with prejudice for the plaintiff's failure to prosecute this action.

It is further

ORDERED that on or May 27, 2010 the parties may file objections to the Recommendation. Any objection must specifically identify the findings in the Recommendation objected to. Frivolous, conclusive or general objections will not be

considered by the District Court. The parties are advised that this Recommendation is not a final order of the court and, therefore, it is not appealable.

Failure to file written objections to the proposed findings in the Recommendation shall bar the party from a de novo determination by the District Court of issues covered in the report and shall bar the party from attacking on appeal factual findings in the report accepted or adopted by the District Court except upon grounds of plain error or manifest injustice. *Nettles v. Wainwright*, 677 F.2d 404 (5th Cir. 1982). *See Stein v. Reynolds Securities, Inc.*, 667 F.2d 33 (11<sup>th</sup> Cir. 1982). *See also Bonner v. City of Prichard*, 661 F.2d 1206 (11<sup>th</sup> Cir. 1981, en banc), adopting as binding precedent all decisions of the former Fifth Circuit issued prior to September 30, 1981.

Done this 13th day of May, 2010.

/s/ Terry F. Moorner  
TERRY F. MOORER  
UNITED STATES MAGISTRATE JUDGE